

### **REMARKS**

Applicants request entry of this Amendment and Response.

Claims 1-49 were cancelled without prejudice or disclaimer. These claims were subject to a restriction requirement. Applicants note a preliminary amendment previously submitted at the time filing, but not entered, cancelled claims 1-35 and 40-49. Since the Examiner has already reviewed all claims 1-49 for restriction purposes, Applicants request that the current restriction grouping be maintained. Applicants reserve the right to pursue the subject matter of the cancelled claims in one or more divisional applications.

Applicants have added new claims 50-66. New claim 50 corresponds to original claim 48. Applicants have added claims that fall within the group VII as identified by the Examiner. The newly presented claims are supported throughout the specification, including at page 49, line 13 to page 50, line 18; page 39, line 25 to page 43, line 11; page 46, line 18 to page 48, line 18.

### **RESPONSE TO RESTRICTION REQUIREMENT**

Applicants have received and reviewed a restriction requirement mailed June 14, 2006. While not acquiescing to the statements of the Examiner, Applicants elect group VII (claim 48), with traverse. The Examiner has also required restriction to a single CHAG polynucleotide. Applicants hereby elect a CHAG polynucleotide comprising a nucleotide sequence of SEQ ID NO:9 with traverse. The Examiner has also required an election of a type of ligand, Applicants hereby elect a nucleic acid encoding a protein or fragment, with traverse.

Applicants traverse the restriction requirement with respect to having to select a single sequence and a single ligand for search and examination. Applicants assert that it would not be unduly burdensome to search more than a single species of the polynucleotide and ligand in the methods as claimed by Applicants. In addition, Applicants respectfully submit that the law requires that a genus claim be searched and examined, as well as a reasonable number of species. See 37 CFR § 1.141 **Different inventions in one national application.**

Two or more independent and distinct inventions may not be claimed in one national application, **except** that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

**SUMMARY**

Examination on the merits is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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